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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,946	03/30/2001	Catherine Bahn	005217.P029	7596
33318	7590	05/09/2006	EXAMINER	
DIGEO, INC. 8815 122ND NE KIRKLAND, WA 98033			BUI, KIEU OANH T	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/823,946

**Applicant(s)**

BAHN, CATHERINE

**Examiner**

KIEU-OANH T. BUI

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/20/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1-3, 8-10, 12-17, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent Pub 2002/0103822 A1) in view of Becker et al. (U.S. Patent No. 6,192,341 B1).

Regarding claim 1, Miller discloses "a method, comprising: providing a user at a client terminal with selection of audio content to accompany a shopping channel on an interactive video casting system, the user being an end consumer of advertising on the shopping channel,

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wherein the audio content to select from including audio content uploaded to the interactive video casting system by the user and stored therein, the selection of audio content made available via the shopping channel; and providing the selected audio content to the user”, i.e., shopping channel is provided to the user with advertisements (page 3/par. 0014) and the system is providing video casting interactively (page 6, par. 0059); and as shown in Fig. 1, the enhancement objects may include sound and other effects for interfacing and controlling the audio content, see page 4/par. 0041 to page 5/par. 0044 for enhanced objects and auxiliary objects). In addition, the user can select the audio content by providing his/her own configurations to the agent server and/or uploads the auxiliary objects such as an animation clip, and/or a movie clip containing audio, and the agent server stores the auxiliary objects therein for later playing back using Flash or Macromedia Shockwave along with the advertisement contents or base objects on the user’s terminal (Fig. 2C & 3A, and page 5/par. 0050 & 0051 for user actions, and page 6/par. 0059-0062, and note that the user can be either at the content provider or at the client PC using a web browser to play back the audio content).

Furthermore, applicants argue that Miller’s “user” is not for the user at the client terminal but for the content provider; however, in a similar environment of providing interactive media to the users, Becker teaches the user at the client terminal can customize their audio/video according to their preferences (Figs. 3-5, and col. 1/lines 55-67; and col. 3/lin 50 to col. 4/line 58 for setting the audio preference of the user at the user’s device or client terminal). Therefore, it would have been obvious to one of ordinary skill in the art to modify Miller’s with Becker’s teaching technique of customizing user preferences for audio as indicated in order to provide the user an enhanced system that allows the user to control or set the preference for their audio

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content at their terminal in addition to the capability of audio content setting from the content provider as taught by Miller.

As for claim 2, Miller shows “wherein the audio content includes music selected from audio content stored on the interactive video casting system” (page 4/par. 0037).

As for claim 3, Miller shows “wherein the audio content includes an audio portion of programming from another channel on the interactive video casting system”, i.e., enhancement object carries a clip as a predefined (audio) portion of programming from the broadcast stream channel (page 4/par. 0043).

As for claims 8-10, Miller further discloses “comprising providing the audio content through explicit profiling of the user” and “wherein explicit profiling comprises developing user audio preferences based on the user’s responses to a plurality of questions provided via the interactive video casting system” and “providing the audio content through implicit profiling of the user (page 9, par. 0099).

Regarding claims 12-17 and 22-24, these claims for “a method, comprising: providing a user at a client terminal with selection of audio enhancements to accompany content on an interactive video casting system, the user being one of a plurality of end consumers viewing the content and the audio enhancements to select from including audio enhancements uploaded to the interactive video casting system by the user and stored therein; and providing the selected audio enhancements to a client terminal” are rejected in view of Miller and Becker for the reasons given in the scope of claims 1-3, and 8-10 as discussed above.

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5. Claims 4-5 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent Pub 2002/0103822 A1) and Becker as of claim 1 above and further in view of Pugliese et al. (U.S. Patent Pub 2001/0044751 A1).

Regarding claims 4-5 and 18-19, Miller does not further mention “wherein the audio content includes Internet radio”; “wherein the audio content includes a voice over to provide the user with instructions regarding actions on the shopping channel” and however, Pugliese teaches these features (page 1/par. 0008-0009 for artificially intelligence provides voice like live human being for instruction on products/services; and page 21/par. 0386 for Internet radio). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller’s system with Pugliese’s detailed features as noted in order to provide the user the interactive feature of voice instructions and Internet radio to the user at their convenience for enjoying while doing the online shopping.

6. Claims 6-7, 11, 20-21, and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent Pub 2002/0103822 A1) and Becker as of claim 1 and 20 above and in further view of Carey et al. (US Patent Pub 2002/0112035 A1).

Regarding claims 6-7 and 20-21, Miller does not mention “wherein the audio content includes a sound effect, including a style of voice capable of being selected by the user”; and “wherein the interactive video casting system comprises an interactive television system”; however, Carey discloses these features (Figs. 1A & 1B, page 1/par. 0006, 0009, 0012 for sound effects and television & page 8/par. 0111 and page 11/Table 3.9 for voice style). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Miller's system with Carey's detailed features as noted in order to provide the user the interactive feature of sound effects and voice style as sound enhancements during the online shopping as desired.

As for claim 11, in further view of claim 7 above, Carey shows "wherein implicit profiling comprises developing user audio preferences by analyzing the user's viewing habits in the interactive video casting system" (Carey, pages 6-7, par. 0095-0099 for user profiles are based on user interactive and preset rules.

Regarding claims 25, the combination of Miller, Becker and Carey teaches "an apparatus, comprising: a network interface coupled to receive interactive television content; a television interface coupled to the network interface to allow user selection of audio content to accompany content received from an interactive television network, the user being one of a plurality of end consumers viewing the interactive television content; a storage medium coupled to the network interface to store at least a portion of a user's audio preferences; and a processor coupled to the storage medium to coordinate the user audio preferences with the content received from the interactive television network by the network interface", i.e., Carey teaches the system for interfacing network including television, internet, and server as well as storage etc. (Carey, Figs. 1A and 1B); and the audio references is taught by Miller as discussed earlier in claim 1.

As for claims 26-33, these claims with limitations addressed earlier are rejected for the reason given in the scope of earlier claims as described not limited in cited paragraphs of Miller, Becker, and Carey but also to the entire references of Miller, Becker and Carey.

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***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB

May 03, 2006